

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Isaac Forman	Team: Squad #1	CCRB Case #: 201809405	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 11/11/2018 12:22 AM	Location of Incident: [REDACTED]	Precinct: 101	18 Mo. SOL 5/11/2020	EO SOL 12/26/2020	
Date/Time CV Reported Tue, 11/13/2018 12:20 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 11/13/2018 12:20 PM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. POM William Bloodnick	17318	958316	101 PCT
2. POM Joseph Keegan	17824	960749	101 PCT
3. SGT Rosa Jordan	03055	941825	101 PCT
4. An officer			Unknown

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Marcos Mourino	16401	957877	101 PCT
2. POM Denis Hickey	10703	964558	101 PCT
3. POM Michael Petroglia	06073	962895	101 PCT
4. POM Jesse Jansky	02277	954973	101 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Joseph Keegan	Abuse: Police Officer Joseph Keegan stopped § 87(2)(b) [REDACTED]	[REDACTED]
B.POM William Bloodnick	Abuse: Police Officer William Bloodnick stopped § 87(2)(b) [REDACTED]	[REDACTED]
C.POM William Bloodnick	Force: Police Officer William Bloodnick pointed his gun at § 87(2)(b) [REDACTED]	[REDACTED]
D.POM Joseph Keegan	Force: Police Officer Joseph Keegan pointed his gun at § 87(2)(b) [REDACTED]	[REDACTED]
E.POM William Bloodnick	Force: Police Officer William Bloodnick used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
F.POM Joseph Keegan	Force: Police Officer Joseph Keegan used physical force against § 87(2)(b) [REDACTED]	[REDACTED]
G. An officer	Abuse: An officer searched § 87(2)(b) [REDACTED]	[REDACTED]
H.POM Joseph Keegan	Abuse: Police Officer Joseph Keegan searched § 87(2)(b) [REDACTED]	[REDACTED]
I.SGT Rosa Jordan	Abuse: Sergeant Rosa Jordan detained § 87(2)(b) [REDACTED]	[REDACTED]

### Case Summary

On November 13, 2019, § 87(2)(b) filed this complaint with the CCRB via the intake phone line.

On November 11, 2018, at approximately 12:22am, § 87(2)(b) was walking in the vicinity of § 87(2)(b) in Queens, when he was stopped by PO Joseph Keegan and PO William Bloodnick, both of the 101<sup>st</sup> Precinct (**Allegations A and B: Abuse of Authority-Exonerated**). As the officers approached him, both PO Keegan and PO Bloodnick pointed their guns at § 87(2)(b) (**Allegations C and D: Force-§ 87(2)(g)**). PO Bloodnick then took § 87(2)(b) to the ground (**Allegation E: Force-§ 87(2)(g)**). PO Keegan allegedly put his knee on § 87(2)(b)'s head (**Allegation F: Force-§ 87(2)(g)**). While he was on the ground in handcuffs, an unidentified officer reached inside § 87(2)(b)'s pockets and backpack (**Allegation G: Abuse of Authority-§ 87(2)(g)**). Once he was stood up, an unidentified officer reached inside of § 87(2)(b)'s sweatshirt pocket (**Subsumed in Allegation G**). PO Keegan then reached inside § 87(2)(b)'s pocket to retrieve his identification (**Allegation H: Abuse of Authority-§ 87(2)(g)**). § 87(2)(b) was allegedly detained for approximately 45 minutes before being released (**Allegation I: Abuse of Authority-§ 87(2)(g)**).

No video footage of this incident was identified.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Joseph Keegan stopped § 87(2)(b)**

**Allegation (B) Abuse of Authority: Police Officer William Bloodnick stopped § 87(2)(b)**

**Allegation (C) Force: Police Officer William Bloodnick pointed his gun at § 87(2)(b)**

**Allegation (D) Force: Police Officer Joseph Keegan pointed his gun at § 87(2)(b)**

§ 87(2)(b) testified that he exited the Beach 25<sup>th</sup> Street A train subway station and began walking away from Beach 25<sup>th</sup> Street on Far Rockaway Boulevard. § 87(2)(b) is male, black, 6'0" tall, and was wearing a gray hooded sweatshirt with black shoulder pads, a black hooded sweatshirt underneath with "Rocawear" written on the front, blue jeans, black sneakers, and a black, blue, orange, and gray beanie hat with a New York Knicks logo on the front. He had a black Nike backpack on his back. Inside the backpack was food, a pair of pants, a hat, his keys, a combo lock, his work ID, and papers. § 87(2)(b) had nothing in his hands as he walked. § 87(2)(b) had his wallet in his rear right pants pocket. He had earphones in one of his front pants pockets along with his cellphone and Chapstick. He believed it was possible that his cellphone created a rectangular bulge in his front pocket but had no other bulges that he knew of on his person. As he walked, a marked NYPD SUV pulled up next to § 87(2)(b). He ignored it and continued to walk. As he continued to walk, § 87(2)(b) heard someone say "yo." He turned to look and saw PO Keegan and PO Bloodnick running towards him. Both officers were yelling at him to put his hands up. § 87(2)(b) testified that he had had his hands in his pockets and kept them in his pockets even after the officers instructed him to put his hands up. He

took several steps backwards and asked the officers what was going on. Both PO Keegan and PO Bloodnick had their guns pointed at § 87(2)(b) (Board Review 01).

In his telephone statement, § 87(2)(b) stated that he called 911 after his mother-in-law's boyfriend menaced him with a firearm. § 87(2)(b) described him as male, black, approximately 6'0" tall, wearing a gray hooded sweatshirt, dark colored jeans, and a black backpack. § 87(2)(b) got into the police vehicle and canvassed with PO Bloodnick and PO Keegan for a short period of time before § 87(2)(b) observed § 87(2)(b). § 87(2)(b) told the officers "that could be him." § 87(2)(b) explained to the investigator that he believed § 87(2)(b) might have been the perpetrator because his clothing matched what the perpetrator was wearing. The officers immediately jumped out of their car and approached § 87(2)(b) (Board Review 02).

Event #§ 87(2)(b) indicates that § 87(2)(b) reported being menaced by a male with a gun. He described the perpetrator as male, black, black hat, gray hoodie (Board Review 03).

Stop Report #§ 87(2)(b), filled out by PO Bloodnick, indicates that the factors leading to the stop were matching a specific suspect description, proximity to scene, and victim identification (Board Review 04).

PO Keegan testified that, after responding to a radio run reporting menacing with a gun, he and PO Bloodnick canvassed in their vehicle with the complainant, § 87(2)(b). § 87(2)(b) described the perpetrator as male, black, 6'0" tall, wearing a gray hooded sweatshirt, and a black hat. While they were canvassing, § 87(2)(b) pointed out § 87(2)(b) who was approximately 20 feet away from the vehicle. § 87(2)(b) was walking down the street away from the officers. PO Keegan testified that § 87(2)(b) fit the description provided by § 87(2)(b) of the perpetrator. As they drove closer, § 87(2)(b) expressed that he was certain that § 87(2)(b) was the perpetrator. Both officers exited their vehicle and approached § 87(2)(b). PO Keegan testified that they were stopping § 87(2)(b) because § 87(2)(b) identified him as the person who menaced him with a gun, because § 87(2)(b) fit the provided description, and because § 87(2)(b) was approximately three blocks away from the incident location and it was only minutes later. There was no other reason they were stopping § 87(2)(b). As they approached, they told him to take his hands out of his pockets. § 87(2)(b) said, "for what?" and back peddled away from the officers. He did not remove his hands from his pockets. The officers instructed him to do so repeatedly and he refused. PO Keegan drew his gun and pointed it at § 87(2)(b). He did so because he believed that § 87(2)(b) might be armed with a gun as § 87(2)(b) had just pointed him out as the perpetrator that had menaced him with a gun and § 87(2)(b) was refusing to remove his hands from his pockets (Board Review 05).

PO Bloodnick's testimony was largely consistent with PO Keegan's. After § 87(2)(b) pointed out § 87(2)(b) as the person who menaced him with a gun, the officers exited their vehicle and approached § 87(2)(b). They instructed him to remove his hands from his pockets and he refused. Because of that, PO Bloodnick drew his gun and pointed it at § 87(2)(b) (Board Review 06).

Before an officer may stop a person, there must be reasonable suspicion that a person has committed, is committing, or is about to commit a felony or misdemeanor. People v. De Bour, 40 N.Y.2d 210 (1976) (Board Review 07). An officer may possess the requisite suspicion to stop an individual when that individual fits a description provided by a victim and is found in the proximity of the location soon after the crime. People v. Seiden 199 A.D.2d 437 (2d Dept. 1993) (Board Review 08). If reasonable under the circumstances, protective measures to ensure officers' safety including approaching a suspect with their weapons pointed is justified. People v. Finlayson, 76 A.D.2d 670 (2d Dept. 1980) (Board Review 09).

§ 87(2)(g)

**Allegation (E) Force: Police Officer William Bloodnick used physical force against § 87(2)(b)**

**Allegation (F) Force: Police Officer Joseph Keegan used physical force against § 87(2)(b)**

§ 87(2)(b) testified that once the officers reached him, PO Bloodnick grabbed § 87(2)(b) by hugging his arms around § 87(2)(b)'s side. The officers pinned one of § 87(2)(b)'s arms to his side while the other was over the officer's shoulder. PO Bloodnick then pulled § 87(2)(b) to the ground. § 87(2)(b) landed on his left shoulder. Once on the ground, § 87(2)(b) attempted to prevent the officers from handcuffing him by pulling his arms away from the officers. After approximately ten seconds of this, PO Keegan placed his knee on § 87(2)(b)'s head. PO Keegan's knee remained on § 87(2)(b)'s head for 10 to 15 seconds. He was subsequently handcuffed (Board Review 01).

§ 87(2)(b) stated that the officers approached § 87(2)(b) telling him to take his hands out of his pockets, which he did. The officers then took § 87(2)(b) to the ground. § 87(2)(b)'s view was obstructed at this point and did not see any of the handcuffing process (Board Review 02).

PO Bloodnick testified that as he approached § 87(2)(b) refused multiple commands to take his hands out of his pockets. PO Bloodnick holstered his gun and grabbed § 87(2)(b)'s right arm and attempted to pull it out of the pocket. § 87(2)(b) tensed his arms and PO Bloodnick could not pull it out of the pocket. PO Bloodnick then took § 87(2)(b) to the ground by pulling § 87(2)(b) forward and tripping him. PO Bloodnick testified that he took § 87(2)(b) to the ground because he was not complying with removing his hands from his pockets. Once on the ground, PO Bloodnick tried to pull § 87(2)(b)'s arm out from underneath him but was unable to do so because he was tensing his arm. PO Bloodnick did not know if PO Keegan put his knee on § 87(2)(b). After a period of struggling, the officers were able to place § 87(2)(b) into handcuffs (Board Review 06).

PO Keegan testified that, after approaching, PO Bloodnick took § 87(2)(b) to the ground. His testimony was consistent with PO Bloodnick's. Once § 87(2)(b) was on the ground, he began tensing his arms but PO Keegan was able to pull one arm out from underneath him and place it into handcuffs. PO Bloodnick pulled on the other arm but was unable to get it out from underneath § 87(2)(b). PO Keegan testified that he believed he placed his knee on § 87(2)(b)'s buttocks or leg. He did so because § 87(2)(b) was moving his body around. PO Keegan denied placing his knee on § 87(2)(b)'s head (Board Review 05).

Force may be used when it is reasonable to ensure the safety of a member of service or to place a person in custody or to prevent escape from custody. NYPD Patrol Guide, Procedure 221-01 (Board Review 11).

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**Allegation (G) Abuse of Authority: An officer searched § 87(2)(b)**

§ 87(2)(b) testified that while he was in handcuffs, he felt an officer reach into his front left and right pants pockets. The officer did not reach in any of his other pockets and did not pat the outside of his pockets before reaching inside. § 87(2)(b) did not know which officer did this. While still on the ground, § 87(2)(b) felt his backpack, which was still on his back, moving around. He heard items inside being moved around. § 87(2)(b) testified that he could not see an officer reaching into his backpack but it felt like this was happening. He later observed the backpack was wide open and items were moved around. He testified that he did not see which officer may have searched his bag. After § 87(2)(b) was stood up, an officer, § 87(2)(b) could not say which one, reached into the front pouch pocket of his hooded sweatshirt (Board Review 01).

Stop Report #§ 87(2)(b), filled out by PO Bloodnick, indicates that § 87(2)(b) was frisked and searched. It does not indicate who did so. The reasoning for the frisk is provided as the identification of § 87(2)(b) as the perpetrator who menaced § 87(2)(b) and § 87(2)(b)'s refusal to remove his hands from his pockets. The basis for the search is provided as the same as the frisk plus a hard object resembling a weapon. The narrative states that § 87(2)(b) was frisked and searched in his waistband and pockets. There is no mention of his backpack being searched (Board Review 04).

PO Keegan testified that once § 87(2)(b) was in handcuffs, he frisked § 87(2)(b) for weapons. He suspected § 87(2)(b) might be armed because § 87(2)(b) had just identified § 87(2)(b) as the person who menaced him with a gun. PO Keegan denied reaching into any of § 87(2)(b)'s pockets at this point. PO Keegan testified that § 87(2)(b) was wearing a backpack but could not recall if it was on his back when he was cuffed. PO Keegan could not recall if he reached into § 87(2)(b)'s backpack and couldn't recall if any other officer did so. PO Keegan testified that he believed that § 87(2)(b) was searched but did not know by who or when (Board Review 05).

PO Bloodnick testified that he believed § 87(2)(b) was searched but he did not know by whom. He denied doing so himself. During his sworn statement, PO Bloodnick was presented with the Stop Report that he filled out. He did not know what was referred to where it reads "hard object resembling a weapon." He testified that he did not recall seeing any specific objects resembling a weapon (Board Review 06).

Sgt. Rosa Jordan arrived on scene after § 87(2)(b) was stopped. She could not recall whether § 87(2)(b) was on the ground or standing when she arrived. She also could not recall if he was handcuffed or not. Sgt. Jordan denied searching § 87(2)(b) and did not observe any other officer do so. She testified that it was her understanding that § 87(2)(b) was searched but did not know who did so nor when. Other than herself, PO Keegan, and PO Bloodnick, she did not see any other officers interacting with § 87(2)(b) (Board Review 12).

If, while conducting a frisk for a weapon, that officer feels an object he believes to be a weapon, he may conduct a more invasive search to determine whether or not the object is, in fact, a weapon. People v. Wallace, 41 A.D.3d 1223 (4th Dept. 2007) (Board Review 20).

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**Allegation (H) Abuse of Authority: Police Officer Joseph Keegan searched § 87(2)(b)**

§ 87(2)(b) testified that, while handcuffed and standing, an officer asked him what his address was. § 87(2)(b) refused to provide this information. An officer, § 87(2)(b) could not say who, reached into § 87(2)(b)'s rear right pants pocket and removed his wallet (Board Review 01).

PO Keegan testified that he asked § 87(2)(b) where his ID was and § 87(2)(b) said that it was in his pocket. PO Keegan reached into the pocket and retrieved § 87(2)(b)'s ID. PO Keegan testified that he needed to obtain the ID as part of the investigation into whether § 87(2)(b)

§ 87(2)(b) was the person who menaced § 87(2)(b) PO Keegan testified that at this point, they did not have the name of the perpetrator (Board Review 05).

PO Bloodnick testified that he was not present when § 87(2)(b)'s ID was obtained. However, he testified that the officers had the name, Ramel, for the perpetrator prior to the beginning of their canvass (Board Review 06).

Probable cause is established, absent materially impeaching circumstances, where a victim of an offense communicates to the arresting officer information affording a credible ground for believing the offense was committed and identifies the accused as the perpetrator. People v. Jackson, 105 A.D.3d 866 (2d Dept. 2013) (Board Review 13).

§ 87(2)(g)  
[REDACTED]

**Allegation (I) Abuse of Authority: Sergeant Rosa Jordan detained § 87(2)(b)**

§ 87(2)(b) estimated that the stop lasted approximately 45 minutes. He believed there was a person in the rear of the police vehicle. § 87(2)(b) did not testify to seeing officers interact with the person (Board Review 01).

§ 87(2)(b) stated that, after the officers stood § 87(2)(b) up and § 87(2)(b) got to look at his face, he informed PO Bloodnick that he had misidentified § 87(2)(b) PO Bloodnick returned to where § 87(2)(b) was. Approximately ten minutes later everyone left the location (Board Review 02).

The Stop report filled out in regards to this incident provides the time of the stop as approximately 25 minutes (Board Review 04). Similarly, the officers' memo books note the stop as lasting approximately 23-30 minutes (Board Review 21, 22).

PO Keegan testified that after § 87(2)(b) was stood up, PO Bloodnick went to speak to § 87(2)(b). He returned a few minutes later and stated that § 87(2)(b) had said that § 87(2)(b) was not, in fact, the perpetrator. PO Bloodnick also informed PO Keegan that the perpetrator's name was Ramel. At this point, PO Keegan still had § 87(2)(b)'s ID and thus knew his name. PO Keegan and PO Bloodnick conferred with Sgt. Jordan and decided to release § 87(2)(b). The officers then conversed with § 87(2)(b) for approximately 15 minutes explaining the reason for the stop. While they were talking, PO Keegan removed the handcuffs. PO Keegan estimated that the stop lasted approximately 20-25 minutes (Board Review 05).

PO Bloodnick's testimony was largely consistent with PO Keegan's. He did not know how long it was after § 87(2)(b) stated that § 87(2)(b) was not the perpetrator before they released him (Board Review 06).

Sgt. Jordan testified that when she arrived on scene, § 87(2)(b) was stopped with PO Bloodnick and PO Keegan. She could not recall what position he was in nor if he was in handcuffs or not. Sgt. Jordan spoke to the officers who informed her of the reason for the stop. Sgt. Jordan was at some point informed that the complainant, § 87(2)(b) had informed the officers that he had mistakenly identified § 87(2)(b). Sgt. Jordan testified that she did not know when § 87(2)(b) provided this information nor whether she was on scene at the time. Sgt. Jordan testified that § 87(2)(b) was stopped for approximately five to seven minutes while she was present. She did not know how long he was stopped before (Board Review 12).

§ 87(2)(g)

A detention must be temporary and last no longer than is necessary to effectuate the purpose of the stop. The courts have upheld temporary detainments of 10, 20, and 30 minutes. Instances that have not been upheld, and from which this incident is distinguished, included being removed from the scene or placed in a police vehicle. People v. Robinson 282 A.D.2d 75 (1st Dept. 2001) (Board Review 14). The suspect may be detained only as long as necessary to confirm or dispel suspicion that he committed a felony or Penal Law misdemeanor. NYPD Patrol Guide, Procedure 212-11 (Board Review 15).

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 16).
- PO Bloodnick has been a member-of-service for three years and has been a subject in one CCRB complaint involving one allegation, which was not substantiated. § 87(2)(g)
- PO Keegan has been a member-of-service for three years and has been a subject in one CCRB complaint involving one allegation, which was not substantiated. § 87(2)(g)
- Sgt. Jordan has been a member-of-service for 12 years and has been a subject three CCRB complaints involving three allegations, none of which were substantiated. § 87(2)(g)

#### **Mediation, Civil and Criminal Histories**



- § 87(2)(b) declined to mediate this complaint
  - According to the Office of Court Administration, § 87(2)(b) has no history of convictions in New York City (Board Review 17).
  - As of May 29, 2019, the New York City Office of the Comptroller had no record of a Notice of Claim being filed in regards to this complaint (Board Review 18).
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Squad No.: 1

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date